

# **SMALL CLAIMS MONEY CASE CHECKLIST – MILWAUKEE COUNTY**

(Summons & Complaint Small Claims)

Small claims handles claims for money of **\$10,000 or less**, **UNLESS the case involves personal injury, a tort, or a third-party claim**. [A “tort” is a wrongful act that injures someone and for which the injured person may sue for money damages from the person or business that is legally at fault. The injury may be to a person’s body, property, business, reputation, or other interest. The act may be the result of carelessness (called “negligence”) or may be intentional. A tort is different from a breach of contract or a crime.]

## **IS MILWAUKEE COUNTY PROPER COUNTY TO FILE THE SMALL CLAIM?**

Milwaukee County is a proper place to file your case if one or more of the following is true:

- The claim arose in Milwaukee County
- The property that is the subject of your claim is located in Milwaukee County
- The defendant (the person you are suing) lives or does business in Milwaukee County

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## **FILING FEES (\$0, with an approved fee waiver)**

- **\$98**

## **SERVICE FEES (\$0, with an approved fee waiver)**

- **\$60** – for personal service by Milwaukee County Sheriff

## **FORMS AND COPIES NEEDED**

- Summons & Complaint Small Claims (*6 copies*)
- Request for a Fee Waiver, if applicable

## **HOW TO REQUEST A FEE WAIVER**

1. Fill out the Petition for Waiver of Fees.
  - Sign in front of a notary public (available in Room 104).
  - Bring proof of a month’s worth of income or public benefits.
2. **Room G-9–Legal Resource Center** – will assist in printing proof of FoodShare (Quest card does not qualify as proof).
3. **Room 609–Chief Judge’s Office** will approve or deny the Fee Waiver.

## **HOW TO FILE THE MOTION, SCHEDULE A COURT DATE, & SERVE PAPERS (required)**

1. **Room 104 – Clerk of Courts Office**
  - File documents with cashier
  - Pay filing fee or present approved fee waiver
2. The other party must be personally served with the papers at least 5 business days before the hearing.
  - **Room 102, Safety Building–Sheriff’s Department:** if the other party lives in Milwaukee County, or, private process server
  - If the other party does not live in Milwaukee County, contact the Sheriff’s Department in that county or a private process server to arrange service

## **ATTENDING YOUR COURT DATE (arrive early, dress nicely, act respectfully)**

- **Bring proof that the documents have been served to the other party.**
- Bring proof to support your claim.

## **WHAT TO EXPECT AT THE HEARING**

- If the defendant does not appear, and you have your proof of service, you may get a judgment on that date.
- If the defendant does appear, and does not admit to owing the money, you will meet with a Commissioner.
- If the matter is not resolved (by settlement or otherwise) in front of the Commissioner, a date will be assigned for a hearing on the case.



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